

**Hunter v. Durr**

**06 - CV - 00411**

---

# **Exhibit B**

**to Plaintiff's Suggestions in Opposition  
to Defendant's Motion for Summary Judgment**

---

**Deposition of Bruno Welsch  
taken November 10, 2006**

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
AT MONTGOMERY

Anne Marie Hunter,

Plaintiff,

vs.

2:06-CV-00411-WHA-SRW

Durr Systems, Inc.

Defendant.

**ORIGINAL**

The Deposition of BRUNO WELSCH taken by the Plaintiff,  
pursuant to Notice, before Carol L. Martin (CSR-3532), a  
Notary Public within and for the County of Oakland, (acting  
in Wayne County), State of Michigan, at the Embassy Suites,  
19525 Victor Parkway, Livonia, Michigan, on November 10,  
2006.

APPEARANCES:

HANKINS & CONKLIN, P.C.  
BY: MR. THOMAS E. HANKINS  
6812 North Oak Trafficway, Suite 5  
Gladstone, Missouri 64118-2587  
(816) 436-3100

Appearing on behalf of the Plaintiff.

SIROTE & PERMUTT  
BY: MR. CHRISTOPHER A. BOTTCER  
2311 Highland Avenue South  
Birmingham, Alabama 35205  
(205) 930-5100

Appearing on behalf of the Defendant.

1 Q And what city and state do you live in?

2 A I'm living in Mexico. Queretaro. In the City of  
3 Queretaro.

4 Q You're from Germany originally?

5 A That's right.

6 Q What languages do you speak?

7 A I speak German, English, Spanish and French.

8 Q For how long have you spoken English?

9 A For five years.

10 Q Five years?

11 A Yes.

12 Q You speak very well.

13 A Thank you.

14 Q How old are you, sir?

15 A I'm 40 years old.

16 Q What do you do for a living?

17 A At the moment, I'm a general director for Durr. I'm  
18 running the Mexico facility.

19 Q How long have you worked for Durr?

20 A Ten years.

21 Q And what does Durr do?

22 A Durr provides turnkey solutions for automotive  
23 industries building turnkey factories and paint shops,  
24 auto assembly and everything -- every equipment  
25 related to that.

1 Q For whom does Durr work?

2 A For every automaker, like Ford, GM, Chrysler, Hyundai,  
3 Kia, BMW, Mercedes, Audi.

4 Q I'm here to ask you some questions about an incident  
5 that occurred at a facility in Montgomery, Alabama.  
6 Were you there the day of this incident?

7 A That's right, I was there.

8 Q And my client is Anne Marie Hunter. Before this  
9 accident, did you know who she was?

10 A No, I did not.

11 Q Did you meet her the day of the accident or the day  
12 before the accident?

13 A I met her the day of the accident.

14 Q Tell me about your meeting. Was it at the Hyundai  
15 plant?

16 A That's right.

17 Q Did you know that she was coming?

18 A Yes. She was announced by Dave Cavaletti (phonetic).

19 Q By whom?

20 A Dave Cavaletti. He was a sales vice-president of Durr  
21 Industries.

22 Q When did he tell you that Anne Marie Hunter was going  
23 to be coming?

24 A One week before.

25 Q What was your understanding as to what Anne Marie

1 Hunter was going to be doing?

2 A She would take pictures for marketing reasons.

3 Q Was the Montgomery facility the first Durr operation  
4 that you were involved in or had you been involved in  
5 other facilities?

6 A The U.S. was the first facility I was involved in.

7 Q When you were told approximately a week before that  
8 she was going to be coming, you knew that she was  
9 going to be taking photographs?

10 A That's right.

11 Q You knew that she was going to have to have access to  
12 various areas of the plant?

13 A Yes.

14 Q Were there any areas of the plant that you knew were  
15 to be off limits to her?

16 A Not at this time.

17 Q What was your function with regard to Anne Marie  
18 Hunter's visit? Were you simply to greet her and get  
19 her started or were you to be with her that day?

20 A No. I was -- I made the tour with her through the  
21 paint shop. I showed her the different facilities,  
22 the different installations and then I had handed her  
23 over to one of my people.

24 Q How long were you with her that day when you were  
25 giving her the tour?



1 A At least an hour.

2 Q Did part of the tour include the area where this  
3 accident later happened?

4 A Yes. That's right.

5 Q Were there any vehicles or vehicle bodies in that area  
6 when you gave her a tour of this particular paint  
7 booth?

8 A Yes.

9 Q Did you notice that there was a grid missing?

10 A No, I did not.

11 Q I understand it's sometimes difficult to say why you  
12 did not notice something, but let me explore that with  
13 you. Do you believe that you failed to notice the  
14 area where the grid was missing because there was a  
15 car body atop it?

16 A We watched --

17 MR. BOTTCHER: Okay. I will object to  
18 the extent that's going to call for speculation. If  
19 you have a judgment as to why you didn't see it, you  
20 can answer, but you can't guess or speculate. Okay?

21 THE WITNESS: No. We were in the  
22 entrance of this booth and we were watching the whole  
23 booth along and we did not see what's below a car body  
24 or that -- we was just watching in the booth like in a  
25 room.

1 BY MR. HANKINS:

2 Q When you were watching the booth, were you in the area  
3 that Christian worked?

4 A No.

5 Q Were you in the booth itself?

6 A Yes.

7 Q Were car bodies moving while you and Anne Marie were  
8 in the booth?

9 A No.

10 Q Car bodies were there, but they were stationary?

11 A That's right.

12 Q Prior to that point in time, had you been made aware  
13 that a grid had been removed?

14 A No.

15 Q When you and Anne Marie were taking the tour, did you  
16 give her any warnings or any cautions about what she  
17 would be doing that day?

18 A In this I explained that robots are dangerous.

19 Q Did you explain to her why robots were dangerous?

20 A No, I did not.

21 Q Tell me why robots are dangerous.

22 A They moving. You don't know where they moving and  
23 they are fast and they are strong.

24 Q Where Anne Marie Hunter had her accident, were there  
25 any robots in that immediate area?

1 A I don't know.

2 Q Do you know where Anne Marie Hunter had her accident?

3 A Only in the booths. I don't know exactly the area.

4 Q Other than cautioning her about the robots, did you  
5 give her any other cautions or warnings?

6 A Not that I remember.

7 Q During the time that you met with Anne Marie Hunter  
8 before she had her accident, can you tell me as  
9 thoroughly as possible what you said to her and what  
10 she said to you?

11 A Can you repeat, please?

12 Q Yes. What did you say to Anne Marie that day?

13 MR. BOTTCER: Can we limit -- maybe  
14 limit it to a certain time or --

15 MR. HANKINS: Yes.

16 BY MR. HANKINS:

17 Q How were you introduced to Anne Marie? Did somebody  
18 introduce you to her?

19 A No. I picked her up in the entrance.

20 Q And I'm not interested in the normal small talk that  
21 people have like, "How was your flight? Isn't it a  
22 nice day today? My, you have a lovely dress." That  
23 sort of thing. But can you tell me anything that she  
24 said to you about what she was going to be doing that  
25 day or what you said to her about what she was going



1 Q Have you observed from time to time that certain areas  
2 that may be unsafe have been barricaded or marked in  
3 such a fashion that people can observe it?

4 A Yes.

5 Q They would be marked, I would assume, with things  
6 like, for example, an orange cone?

7 MR. BOTTCER: Is that a question?

8 MR. HANKINS: Yes.

9 THE WITNESS: Yes.

10 BY MR. HANKINS:

11 Q And would tape be placed from time to time?

12 A Yes.

13 Q Is the purpose of the orange cone and is the purpose  
14 of the tape to alert others that there is an area  
15 where particular caution needs to be exercised?

16 A Yes.

17 Q And do you see that on a daily basis at Durr  
18 facilities?

19 A No.

20 Q Do you see it approximately once a month? Once a  
21 week? How frequently would you say?

22 A During construction.

23 Q When Anne Marie's accident occurred, was this during  
24 construction?

25 A No.

1 Q Was it while the plant was being readied for  
2 production?

3 A Yes.

4 Q So at that point in time, generally speaking, all of  
5 the hazards of construction are put behind you,  
6 correct?

7 A That's right.

8 Q The plant is reasonably safe at that point?

9 A That's right.

10 Q And, of course, you have to watch out for things that  
11 move, like robotic arms?

12 A Exactly.

13 Q But those are things that are always going to be  
14 there? You can't stop that, because you need that for  
15 production, right?

16 A Exactly.

17 Q Why did you ask for Christian to write a report?

18 A To know what happened and to report it up to our  
19 headquarter.

20 Q And why did you feel it was necessary to report it up  
21 to your headquarters?

22 A We report every accident.

23 Q Do you know what OSHA is?

24 A Yes. Safety regulations.

25 Q Yes. Did you report anything of that to OSHA?

1 Q Do you have an estimate as to how many e-mails you  
2 sent her?

3 A Same amount.

4 Q Can you tell me what she said in those two e-mails?

5 A She explained what happened. The cause of the -- how  
6 to say? Of the pain. She explained that she went to  
7 a hospital at home and that she is now in treatment  
8 and if she's good, that she would be delighted to  
9 continue the job.

10 Q Do you recall what you said in the e-mails to her?

11 A No, I do not.

12 Q But in your computer would be not only her e-mails to  
13 you, but it would also be your e-mails to her?

14 A Should be.

15 Q We had marked in Christian Ratchesack's deposition as  
16 Plaintiff's Exhibit 1 and 2 a copy of photos of the  
17 area where the grid was missing and the replacement of  
18 the grid by Christian. Are you familiar with those  
19 grids generally?

20 A Yes, I am.

21 Q Who installed those grids at the facility in  
22 Montgomery?

23 A Durr.

24 Q Do you know now why Christian had removed the grid? I  
25 think you said skids had stuck on it?

1 A That's correct.

2 Q Why were grids sticking on -- why were skids sticking  
3 on the grids?

4 A Two possible -- two possibilities. The skids are  
5 bended. Skids have like a crossbar. If they are  
6 bended, they stick on the grids. That's a very, very  
7 closed area for the grids standing up.

8 Q So it's either the skid's fault or the grid's fault?

9 A That's correct.

10 Q Who manufactured the skids -- or who installed the  
11 skids?

12 A The skids came in from Poland.

13 Q And did Durr order the skids?

14 A Yes.

15 Q And did Durr install the skids?

16 A Yes.

17 Q In this particular instance; that is, the area  
18 depicted in Exhibits 1 and 2 of the Christian Rathsack  
19 deposition, did it turn out to be the grid's fault or  
20 the skid's fault, if you know?

21 A The grid's fault.

22 Q Was this the first time that you ever knew of this  
23 problem?

24 A Correct.

25 Q Has it ever happened at any other Durr facility where